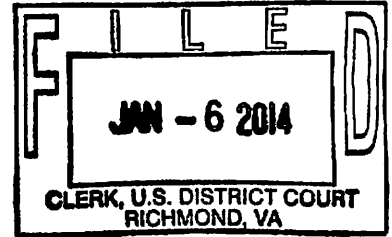


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JEROME USHER,

Petitioner,

v.

Civil Action No. 3:13cv386

KEITH W. DAVIS,

Respondent.

MEMORANDUM OPINION

Petitioner, a Virginia inmate proceeding *pro se*, submitted a "Notice of Appeal" of his state habeas petition. By Memorandum Order entered August 28, 2013, the Court directed Petitioner to complete and return the standardized form for filing a 28 U.S.C. § 2254 petition. On October 29, 2013, the Court received the standardized form from Petitioner, however, Petitioner failed to satisfactorily complete the form and comply with the Court's directives in the August 28, 2013 Memorandum Order. For example, as the Court warned in its August 28, 2013 Memorandum Order, Petitioner may not incorporate other documents by reference. The Court also warned that the Court's consideration of Petitioner's grounds for habeas relief would be limited to the grounds and supporting facts concisely set forth on this standardized form and on any attached pages. Instead of raising claims and providing supporting facts on the standardized form, Petitioner haphazardly attaches documents from his state court proceedings.

Additionally, in its October 9, 2013 Memorandum Order, the Court explained that the record failed to demonstrate that Petitioner had properly exhausted his state court remedies with respect to his claims. Accordingly, the Court ordered Petitioner to show cause within eleven (11) days of the date of entry thereof to show cause why the § 2254 petition should not be dismissed for lack of exhaustion. Petitioner failed to do so.

Because Petitioner failed to comply with the Court's directives, Petitioner's action will be DISMISSED WITHOUT PREJUDICE. The Court denies a certificate of appealability.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 1-6-14
Richmond, Virginia

/s/
James R. Spencer
United States District Judge